

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JONCEY SMITH,

Plaintiff,

v.

Case Number 09-13686-BC
Honorable Thomas L. Ludington

CITY OF FLINT, ALVERN LOCK, FLINT
POLICE DEPARTMENT, RONALD
NELSON, BRIAN COLEMAN, and
JEFFREY COLLINS,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DISMISSING PLAINTIFF'S COMPLAINT**

Magistrate Judge Mark A Randon issued a report and recommendation [Dkt. # 29] on June 22, 2010, recommending that the motion to dismiss [Dkt. # 17] filed by Defendants City of Flint, Avern Lock, Flint Police Department, Brian Coleman, and Jeffrey Collins be granted and Plaintiff Joncey Smith's claims against those Defendants be dismissed. Judge Randon also recommended that Plaintiff's claims against Defendant Ronald Nelson be dismissed without prejudice because Nelson has not been served. Any party may serve and file written objections “[w]ithin fourteen days after being served with a copy” of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a “de novo determination of those portions of the report . . . to which objection is made.” *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that the Judge Randon's report and recommendation [Dkt. # 29] is **ADOPTED**.

It is further **ORDERED** that Defendants' motion to dismiss [Dkt. # 17] is **GRANTED**.

It is further **ORDERED** that Plaintiff's claims against Defendants City of Flint, Alvern Lock, Flint Police Department, Brian Coleman, and Jeffrey Collins are **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that Plaintiff's claims against Defendant Ronald Nelson are **DISMISSED WITHOUT PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: July 21, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 21, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS